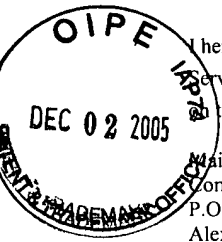


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PATENT
Attorney Docket No.: 040130-050010US



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TOWNSEND and TOWNSEND and CREW LLP

By: Connie Larson
Connie Larson

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Scott Seamans

Application No.: 10/602,416

Filed: June 23, 2003

For: FOOTWEAR PIECES AND
METHODS FOR MANUFACTURING
SUCH

Examiner: Jila M. Mohandesi

Art Unit: 3728

SUPPLEMENTAL INFORMATION
DISCLOSURE STATEMENT UNDER 37
CFR §1.97 and §1.98

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The references cited on attached form PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. Copies of the references [in compliance with the requirements of 1287 OG 163] are enclosed. It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

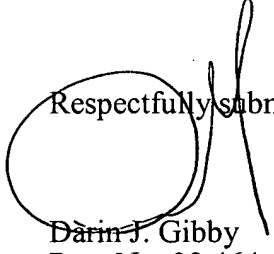
As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no

representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

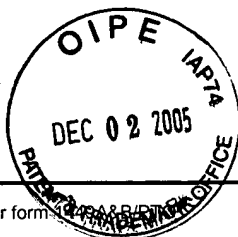
Applicant believes that no fee is required for submission of this statement.

However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,


Darin J. Gibby
Reg. No. 38,464

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DJG/cl
60642038 v1



Substitute for form PTO/SB/08A&B (08-03) INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)			Complete if Known		
			Application Number	10/602,416	
			Filing Date	June 23, 2003	
			First Named Inventor	Seamans, Scott	
			Art Unit	3728	
			Examiner Name	Jila M. Mohandesi	
Sheet	1	of	3	Attorney Docket Number	040130-050010US

U.S. PATENT DOCUMENTS+					
Examiner Initials*	Cite No. ¹	Document Number Number Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	AA	US-1,392,350	10-4-21	O'Brien	
	AB	US-2,180,924	11-21-39	Dunbar	
	AC	US-4,100,685	7-18-78	Dassler	
	AD	US-4,408,401	10-11-83	Seidel et al.	
	AE	US-4,967,750	11-6-90	Cherniak	
	AF	US-4,888,887	12-26-89	Solow	
	AG	US-5,438,767	8-8-95	Stein	
	AH	US-5,528,841	6-25-96	Pozzobon	
	AI	US-5,561,919	10-8-96	Gill	
	AJ	US-D381,794	8-5-97	Gelli	
	AK	US-D416,667	11-23-99	Lamstein	
	AL	US-D431,346	10-3-00	Birkenstock	
	AM	US-6,237,250	5-29-01	Aquerre	
	AN	US-D476,797	7-8-03	Schenone	
	AO	US-5,540,464	11-4-03	Hsin et al.	
	AP	US-6,860,035	3-1-05	Girard	
	AQ	US-D155,956	11-1949	Wood	
	AR	US-D368,797	4-1996	Brooks et al.	
	AS	US-D428,239	7-2000	Plamondon	
	AT	US-D479,034	9-2003	Tzenos	
	AU	US-D492,095	6-2004	Sanchez et al.	
	AV	US-D492,096	6-2004	Sanchez et al.	
	AW	US-D492,841	7-2004	Magro	
	AX	US-D493,611	8-2004	Chen	
	AY	US-D66,083	11-1924	Johnson	
	AZ	US-D247,136	2-1978	Mizoguchi	
	BA	US-D251,158	2-1979	Edmonds	
	BB	US-D355,526	2-1995	Duclos	
	BC	US-D467,065	12-2002	Chen	
	BD	US-D494,345	8-2004	Werman	
	BE	US-3,698,107	10-17-72	Tatsuo	
	BF	US-6,439,536	8-27-02	Piccolo	
	BG	US-5,736,167	4-7-98	Chang	
	BH	US-2001/0001350	5-24-01	Aguerre	

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

Substitute for form 1449A&B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)			Complete if Known		
			Application Number	10/602,416	
			Filing Date	June 23, 2003	
			First Named Inventor	Seamans, Scott	
			Art Unit	3728	
			Examiner Name	Jila M. Mohandesi	
Sheet	2	of	3	Attorney Docket Number	040130-050010US

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³	Number ⁴	Kind Code ⁵ (if known)				
	BI	EP-0 802 039 A2			10-22-97	Finproject - S.P.A.		<input type="checkbox"/>
	BJ	EP-0 802 040 A2			10-22-97	Finproject - S.P.A.		<input type="checkbox"/>
	BK	EP-0 802 041 A2			10-22-97	Finproject - S.P.A.		<input type="checkbox"/>
	BL	EP-0 884 005 A1			12-16-98	Fin project - S.P.A.		<input type="checkbox"/>
	BM	GB 2,322,286			8-26-98	Quillot		<input type="checkbox"/>
	BN	CA 2,375,957			9-13-02	Pan et al.		<input type="checkbox"/>
	BO	European Search Report	PCT/US2004015132					<input type="checkbox"/>
	BP							<input type="checkbox"/>

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	BQ	RHODA MIEL, <i>Snowshoe Walks Away with Best Design</i> , <i>Plastics News</i> , April 22, 2002, v. 14, n. 8, p. 4 (2 pages).	
	BR	LUISA ZARGANI, <i>One Fine Year; Anton Magnani's Quirky Dry-Shod Designs have Gained the Italian Design Respect, Recognition and a Deal with Comme Des Garcons</i> , <i>Footwear News</i> , August 2, 1999, i. 102 (2 pages).	
	BS	<i>FinProject Brews an Extralight (Evasol Plastics and Finproject signed a joint venture agreement to introduce a range of new-block and net-fit soles for shoes)</i> , <i>Footwear News</i> , World Week, August 4, 1997, v. 53, n. 31, p. 8 (3 pages).	
	BT	CINDY MACDONALD, <i>The Entrepreneurs: they're bilingual, multicultural and talented. Distance and language present no barriers to Quebec plastics processors and mold makers as the province's plastics industry continues to increase its level of exports and welcome new companies</i> , <i>Canadian Plastics</i> , O'99, v. 57(10), p. 35-50 (9 pages).	
	BU	<i>The Elastomers Items: Engage Adds comfort to Sporting Components</i> , <i>Chemical Business New Base: The Elastomers Times</i> , December 1, 2000 (2 pages).	
	BV	<i>Comfortable Walking</i> , <i>Italian Technology</i> , October 1999, n. 3, p. 168 (abstract, 12 page).	
	BW	<i>Injected Eva</i> , <i>Macplas International</i> , August 1999, n. 10, p. 90 (abstract, 1 page).	

Examiner Signature		Date Considered	
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			Application Number	10/602,416	
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			First Named Inventor	Seamans, Scott	
			Art Unit	3728	
			Examiner Name	Jila M. Mohandes	
Sheet	3	of	3	Attorney Docket Number	040130-050010US

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	BX	<i>Walking on Modified Eva</i> , Italian Technology, May 1999, n. 2, p. 121, (abstract, 1 page).	
	BY	<i>Trademark Name Record</i> , Official Gazette of the US Patents and Trademarks Office, March 24, 1998, 1208, n. 4, p. 73, (abstract, 1 page).	
	BZ	<i>Engage® polyolefin elastomers, the critical ingredient for success</i> , DuPont Dow Elastomers, Copyright© 2000, DuPont Dow Elastomers, www.dupont-dow.com/engage (12 pages).	
	BAA	Waldenstore.com, <i>Footwear Waldies</i> , August 4, 2003, http://www.waldenstore.com/waldies.html , (1 page).	
	BBB	<i>Birkenstock®, Spring & Summer 2003 Catalog</i> , Birkenstock Orthopudie GmbH, Germany (82 pages).	
	BCC	<i>Plaintiff's Statement of Claim</i> , FOAM CREATIONS INC. vs. HOLEY SOLES HOLDINGS LTD., Ontario, Canada Federal Court, January 28, 2005, Ridout & Maybee LLP (8 pages).	
	BDD	<i>Defendant's Statement of Defence</i> , FOAM CREATION INC. vs. HOLEY SOLES HOLDINGS LTD., Ontario, Canada Federal Court, Court File No. -161-05, March 10, 2005, Oyen Wiggs Green & Mutala LLP (9 pages).	
	CA	<i>Defendant's Response to Request for Particulars</i> , FOAM CREATIONS INC. vs. HOLEY SOLES HOLDINGS LTD., Ontario, Canada Federal court, Court File No. T-161-05, April 22, 2005, Oyen Wiggs Green & Mutala LLP (including Appendices A-C, 236 pages).	
	CB	<i>Plaintiff's Request for Particulars of Defence</i> , FOAM CREATIONS INC. vs. HOLEY SOLES HOLDINGS LTD., Ontario, Canada Federal Court, Court File No. T-161-05 May 1, 2005, Ridout Y Maybee (5 pages).	
	CC	<i>Plaintiff's Further Request for Particulars</i> , FOAM CREATIONS INC. vs. HOLEY SOLES HOLDINGS LTD., Ontario, Canada Federal court, Court File No. T-161-05, May 12, 2005, Ridout & Maybee (including Schedule A, 6 pages).	
	CD	<i>Plaintiff's Reply</i> , FOAM CREATIONS INC. vs. HOLEY SOLES HOLDINGS LTD., Ontario, Canada Federal Court, Court File No. T-161-05, Ridout & Maybee (7 pages).	
	CE	http://web.archive.org/web/19980420230857/www.birkenstock.com/featprof.hum (3 pages).	
	CF	COMPLAINT, <i>Holey Soles Holdings Ltd v. Foam Creations, Inc. and CROCS, Inc.</i> (05CV6893 (MBM)(AJP) S.D.N.Y. filed Aug. 2, 2005).	

Examiner Signature		Date Considered	
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